REMARKS

Applicant is in receipt of the Office Action mailed March 17, 2000. Claim 22 was rejected under §112 for lacking antecedent basis, and claims 1-80 were rejected under §101 and §102.

§112 Rejection

Claim 22 was rejected because the limitation "said objects" in line 1 was stated to lack proper antecedent basis. Applicant has amended claim 22 to provide a proper antecedent basis.

§101 Rejection

Claims 1-80 were rejected under 35 U.S.C. §101 because "the claimed invention is directed to non-statutory subject matter." Applicant has amended each of the independent claims to recite "wherein said differences are used to evaluate at least one of the first graphical program and the second graphical program." Thus, Applicant submits that the present independent claims, as amended, operate to "relate the 'determined differences between the first and second graphical program' to a real world result", i.e., to evaluation of at least one of the first graphical program and the second graphical program. For example, a user or program may evaluate the differences between the first and second graphical programs for debugging or versioning, or for other evaluation purposes.

§102 Rejection

Applicant notes the §102 rejection and the cited prior art, and has amended each of the independent claims to recite in the body of the claim that "wherein said first graphical program and said second graphical program each comprise graphical code." Thus, unlike a traditional graphical user interface referred to in the Office Action, a graphical program comprising graphical code may comprise interconnected graphical

objects or icons, wherein the types of graphical objects and the interconnections between the graphical objects may operate to specify operation of the respective graphical program. For example, the interconnection between the graphical objects may specify operation of the graphical program according to a data flow model, an execution flow model and/or a control flow model. Further, the graphical code of the graphical program essentially comprises the "source code" for the graphical program, wherein the user creates the computer program by placing graphical objects or icons on the display and interconnecting these graphical objects or icons to specify operation of the graphical program. Applicant respectfully submits that traditional GUI languages do not comprise or include graphical code as presently claimed and further do not detect differences between graphical code.

Terminal Disclaimer

In a telephone conversation with the Examiner, the Examiner indicated that an obviousness-type double patenting rejection would be made in the case with respect to U.S. Patent No. 5,974,254. Applicant respectfully submits a Terminal Disclaimer to obviate an obviousness type double patenting rejection with respect to the present application in view of U.S. Patent No. 5,974,254.

New Claims

Applicant respectfully submits new claims 81-92 to more fully and completely claim Applicant's invention.

Thus, Applicant submits that the application is in condition for allowance.

CONCLUSION

In light of the foregoing amendments and remarks, Applicants submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Conley, Rose, & Tayon, P.C. Deposit Account No. 03-2769/5150-18701/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☒ Check in the amount of $290.00 for fees ($110.00 for terminal disclaimer and $180.00 for 10 additional claims @ $18.00/ea.

☒ Other: Terminal Disclaimer

Respectfully submitted,

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Date: _6/5/2000_